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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,535	11/12/2003	Ryan A. Dodd	22688.00	5396
37833	7590	08/30/2006		EXAMINER
LITMAN LAW OFFICES, LTD				WOO, ISAAC M
PO BOX 15035				
CRYSTAL CITY STATION			ART UNIT	PAPER NUMBER
ARLINGTON, VA 22215				2166

DATE MAILED: 08/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/705,535	DODD ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Isaac M. Woo	2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 04 August 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-57 is/are pending in the application.  
 4a) Of the above claim(s) 39-57 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-4, 7-24, 26-36 and 38 is/are rejected.  
 7) Claim(s) 5-6, 25 and 37 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>11/12/2003</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

1. This action is in response to Applicant's Election in response to the Election/Restriction requirement set forth in the July 05, 2006, filed on August 04, 2006.
2. Applicant elected Group I, claims 1-38 with traverse, filed on August 04, 2006.
  - The applicant did not provide the ground(s) of the traversal. Thus, it is not found persuasive. Therefore, the requirement is still deemed proper.
3. Claims 1-38 are presented for examination for this office action (Claims 39-57 are withdrawn).

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4, 7-24, 26-36 and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith et al (U.S. Pub. No. 2002/0147688, hereinafter, "Smith").

With respect to claims 1-3, Smith teaches executing ERM software for managing internal resources of a company/business in an ERM system (page 1, sections 0004-0008); selectively authorizing users associated with the company/business based on grouping designations of the users to access internal resource data about the company/business via the ERM software (page 3, section 0041) and an ERM database (page 3, section 0042); and managing, distributing, tracking, organizing, analyzing, and storing internal resource data via the ERM software (page 1, sections 0004-0008, page 3, section 0042).

With respect to claim 4, Smith teaches establishing administrator ERM software restrictively accessible by only qualified administrators (page 3, section 0041); and establishing general user ERM software accessible by general users (page 3, section 0041).

With respect to claim 7, Smith teaches obtaining resources for the ERM system of the company/business; managing obtained resources; distributing obtained resources to users of the ERM system of the company/business; tracking distributed resources; organizing obtained resources; analyzing obtained resources; and storing internal resource data for obtained resources (page 1, sections 0004-0008, page 3, section 0042).

With respect to claim 8, Smith teaches raffling resources; providing resources on a first come first serve basis; reselling resources; providing resources to a business network; providing resources to charitable giveaways; earmarking resources; and freely providing resources (page 5, sections 0049-0056).

With respect to claim 9, Smith teaches enabling users to apply for a resource being raffled in a raffle; manually adding users into the raffle before the raffle is run; canceling the raffle for the resource; determining a winner for the resource being raffled; and notifying the winner regarding winning a resource being raffled (page 5, sections 0049-0056).

With respect to claim 10, Smith teaches offering a resource to users on a first come first serve basis; obtaining a request from a particular user for the offered resource; reviewing the particular user and the offered resource; determining whether to provide the particular user with the offered resource; providing the offered resource to the particular user if a corresponding determination is made; retaining the offered resource to the particular user if a corresponding determination is made; and providing a survey/form to the particular user offered resource is provided (page 5, sections 0049-0056).

With respect to claim 11, Smith teaches placing a resource up for resale to users in a particular system where the users may buy them; and tracking a resource after the resource is sold to a particular user (page 5, sections 0049-0056).

With respect to claim 12, Smith teaches providing a resource in a business network; and tracking the resource after the resource is provided to the business network (page 5, sections 0049-0056).

With respect to claim 13, Smith teaches offering a resource to charitable giveaways; obtaining a request from a particular charitable giveaway for the offered resource; and providing the offered resource to the particular charitable giveaway (page 5, sections 0049-0056).

With respect to claim 14, Smith teaches determining a suitability of a particular user to have access to an earmarked resource; determining whether to provide the earmarked resource to the particular user or one other than the particular user; notifying the particular user they will receive the earmarked resource if a corresponding determination is made; providing the earmarked resource to the particular user if a corresponding determination is made; and providing the earmarked resource to one other than the particular user if a corresponding determination is made (page 5, sections 0049-0056).

With respect to claim 15, Smith teaches freely offering a resource to users; determining a suitability of a particular user to have access to the free resource; notifying the particular user they will receive the free resource if a corresponding determination is made; providing the free resource to the particular user if a corresponding determination is made (page 5, sections 0049-0056).

With respect to claim 16, Smith teaches providing inventory processes; providing distribution processes; providing reporting processes; providing maintenance processes; providing upgrading processes; providing user management processes; providing help and tutorial processes; and providing user communication and interaction processes (page 3, sections 0034-0041).

With respect to claim 17, Smith teaches inventory landing page; adding inventory to the ERM database; providing a resource identification to inventory added to the ERM database; grouping inventory added to the ERM database; and providing an earmarking inventory added to the ERM database; attaching inventory added to the ERM database to an event/resource category displaying inventory attached to an as event/category category; modifying a resource or group of resources from the ERM database; and deleting a resource or group of resources from the ERM database (page 3, sections 0034-0041).

With respect to claim 18, Smith teaches providing a DISTRIBUTION LANDING page; providing a Table of ITEMS page; providing a CALENDAR OF ITEMS page; providing a CATEGORY SEMCH page; providing a TYPE SEARCH page; providing a RULES page; and providing a TAKE Action OFF RULES PAGE Results DISPLAYED page (page 3, sections 0034-0041).

With respect to claim 19, Smith teaches providing surveys/forms to users; receiving surveys/forms from users; reviewing surveys/forms received from users; storing data regarding surveys/forms received from users; obtaining quantitative/qualitative information from stored data regarding surveys/forms received from users; and providing reports for the company/business (page 3, sections 0034-0041).

With respect to claim 20, Smith teaches providing a MAINTENANCE AND support LANDING page; and providing a support CONTACT INFPRMATION page (page 3, sections 0034-0041).

With respect to claim 21, Smith teaches providing a purchase and/or install upgrade page; enabling the company/business to purchase new upgrades or software for the ERM software; and enabling the company/business to install upgrades locally (page 3, sections 0034-0041).

With respect to claim 22, Smith teaches providing an ADMINISTRATIVE APPLICATION SUPPORT SYSTEM page; and providing a TROUBLE TICKET SYSTEM page (page 3, sections 0034-0041).

With respect to claim 23, Smith teaches providing a SEMCH HELP TOPICS page; providing SEARCH INDEX OF HELP TOPICS page; providing a support contact information page; providing a FREQUENTLY ASKED Questions (FAQ) CHART page; and providing an ONLINE Tutorial page (page 3, sections 0034-0041).

With respect to claim 24, Smith teaches providing communication LANDING page; providing a BULLETIN BOARD LIST page; VIEW BULLETIN BOARD ITEM page; providing an MD BULLETIN BOARD ITEM page; providing an UPDATE BULLETIN BOARD LIST page; providing an APPROVE/DISAPPROVE BULLETIN page; and providing a PUBLISH BULLETIN BOARD ITEM page (page 3, sections 0034-0041).

With respect to claim 26, Smith teaches creating shipping labels using third party software; shipping a resource to a new owner; and tracking the shipped resource using third party tracking functions (page 1, sections 0004-0008, page 3, section 0042).

With respect to claim 27, Smith teaches providing online payment and resale capability using party software (page 1, sections 0004-0008, page 3, section 0042).

With respect to claim 28, Smith teaches providing an online alert application for linking to the ERM software to notify administrators of upcoming tasks and resources for action (page 1, sections 0004-0008, page 3, section 0042).

With respect to claim 29, Smith teaches producing a report that measures the usage of inventory and resources; providing a GETSTART Analysis Tool for offering suggestions on management decisions regarding data in the ERM database; and producing dynamic graphs and charts regarding data in the ERM database (page 1, sections 0004-0008, page 3, section 0042).

With respect to claim 30, Smith teaches providing inventory/schedule manager processes; providing distribution manager processes; providing site administrator processes; providing system administrator processes; and providing site assistant administrator processes; providing report manager processes; providing item manager processes; providing human resource processes; and providing general user processes (page 1, sections 0004-0008, page 3, section 0042).

With respect to claim 31, Smith teaches procuring inventory based on statistics from the previous and current year; reviewing archived data to calculate trends and demands; analyzing current clients and targeting sales of the company/business to find out what kind of return can be made on specific resources; reviewing patterns and

tracking records of sales teams to determine how to optimize response from clients regarding business entertainment; and providing links to outside resources to assist users in making inventory decisions (page 1, sections 0004-0008, page 3, section 0042).

With respect to claim 32, Smith teaches trafficking resources for the company/business; distributing resources; and using, selling, or giving away inventory resources at particular times (page 1, sections 0004-0008, page 3, section 0042).

With respect to claim 33, Smith teaches updating account information for the company/business in the ERM system; configuring the ERM system for upgrading via the Internet; authorizing any work to be done to the ERM system; calling/placing a trouble ticket with a developer of the ERM software if the ERM software is not properly operating; obtaining immediate service from the developer the ERMsoftware (page 1, sections 0004-0008, page 3, section 0042).

With respect to claim 34, Smith teaches making updates to the ERM software; troubleshooting and fixing software bugs within the ERM software; performing upgrades to the ERM software; installing patches on the ERM software; running performance analysis software against the ERM software to ensure the ERM software is running at customer approved standards; and updating and modifying database structures and data inside the ERM software (page 1, sections 0004-0008, page 3, section 0042).

With respect to claim 35, Smith teaches utilizing temporary rights to fulfill roles of a distribution manager and an inventory manager until a site administrator returns. (page 1, sections 0004-0008, page 3, section 0042).

With respect to claim 36, Smith teaches providing surveys/forms to users; receiving surveys/forms from users; reviewing surveys/forms received from users; storing data regarding surveys/forms received from users; obtaining quantitative/qualitative information from stored data regarding surveys/forms received from users; and providing reports for the company/business (page 3, sections 0034-0041).

With respect to claim 38, Smith teaches viewing resources within the ERM to a particular general user; searching through an inventory particular resource; system that are available the ERM system for applying for the particular resource; selecting a shipment method to obtain the particular resource; and paying for the particular resource using third party software (page 3, sections 0034-0041).

***Allowable Subject Matter***

6. Claims 5-6, 25 and 37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac M. Woo whose telephone number is (571) 272-4043. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Isaac Woo  
August 29, 2006